

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
May 06, 2024

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:34 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio, and Max White.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Dale Nannenga, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Sarmiento, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Cheryl Covert, Economic Development Assistant Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Bryan Hughes, Parks and Recreation Director; Julie Knoll, Deputy City Clerk; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Kimberly Moon, Engineering Director; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 50 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION ITEMS (DISCUSSION ONLY)

a. RECOGNITION OF FIRE AND MEDICAL CITIZEN'S ACADEMY GRADUATES

City Council recognized the recent graduates of the Fire and Medical Citizen's Academy. This item was for discussion only.

b. PROCLAMATION – ECONOMIC DEVELOPMENT, TOURISM, AND SMALL BUSINESS MONTH

City Council presented a proclamation recognizing the month of May 2024 as Economic Development, Tourism, and Small Business Month. This item was for discussion only.

c. MARVIN ANDREWS FELLOW RECOGNITION

City Council recognized the contributions Dillard Collier has made as a Marvin Andrews Fellow with the City of Avondale. This item was for discussion only.

d. PROCLAMATION – NATIONAL WATER SAFETY MONTH

City Council presented a proclamation recognizing May 2024 as Water Safety Month.

This item was for discussion only.

e. REPORTS FROM THE CITY MANAGER

The City Manager congratulated Mayor Kenneth Weise for graduating from Grand Canyon University with his bachelor's degree.

City Council took a recess at 6:05 PM.

City Council reconvened the meeting at 6:20 PM

3. UNSCHEDULED PUBLIC APPEARANCES

Matt O'Halloran represented Avondale Police Association to present 6 scholarships to Avondale high school seniors.

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member White, seconded by Council Member Conde, to approve the Consent Agenda. Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the April 8, 2024, and April 22, 2024 City Council meeting minutes.

b. VEHICLE PURCHASE BUDGET AND AWARD AUTHORITY

City Council (a) approved a budget amendment in the amount \$432,500 from the Unanticipated Revenue line item for the purpose of ordering replacement vehicles scheduled for FY2025; (b) authorized administrative award authority for the outlined vehicle purchases; and (c) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

c. RESOLUTION 1041-0524 – TERMINATION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TOLLESON FOR THE DEANNEXATION AND ANNEXATION OF VAN BUREN STREET RIGHT-OF-WAY

City Council adopted Resolution 1041-0524, authorizing the termination of an Intergovernmental Agreement with the City of Tolleson for the de-annexation and annexation of the eastbound lanes of Van Buren Street right-of-way from 99th Avenue to 107th Avenue and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. RESOLUTION 1042-0524 - INTERGOVERNMENTAL AGREEMENT (IGA) WITH MARICOPA COUNTY FOR GIS DATA AND IMAGERY SERVICES

City Council adopted Resolution 1042-0524, authorizing an Intergovernmental Agreement (IGA) between the partnering agencies of the City of Avondale and Maricopa County and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. ORDINANCE 2009-0524 - AMENDING THE CITY OF AVONDALE CITY CODE, CHAPTER 17, PARKS AND RECREATION, SECTION 17-5, PERTAINING TO OPERATION OF DRONES AT FESTIVAL FIELDS PARK

City Council adopted Ordinance 2009-0524, Amending the City of Avondale City Code, Chapter 17, Parks and Recreation, Section 17-5, pertaining to operation of drones at Festival Fields Park and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Note from the City Clerk: Agenda items 5a and 5b were presented together and voted on separately.

5. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1043-0524 - HERMOSA RANCH TECHNOLOGY CAMPUS - NORTH - MAJOR GENERAL PLAN AMENDMENT - APPLICATION PL-23-0299

City Council held a public hearing and considered a request to adopt Resolution 1043-0524, approving a request by Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a major General Plan amendment for Hermosa Ranch Technology Campus North, an approximately 239 gross acre planned technology campus with a data center and related employment uses located at the southwest corner of Avondale Boulevard and Lower Buckeye Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed major General Plan amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from Medium Density Residential and Estate/Low Density Residential to Business Park. The amendment will also expand the existing Local Commercial land use area.

Josh Orton, Senior Planner, provided an overview of Application PL-23-0299 and Application PL-23-0300. The General Plan Amendment (GPA) is to request the land

use designation of estate/low density residential and medium density residential be amended to Business Park. The rezone request is to rezone the property from the Diamond P. Ranch Planned Area Development (PAD), Fleming Farms PAD, and Agricultural (AG) to Hermosa Ranch Technology Campus -North PAD.

The approximate 239-acre contains a dairy farm and is located at the southwest corner of Avondale Boulevard and Lower Buckeye Road. To the north of Lower Buckeye Road is the Del Rio Ranch single-family subdivision. To the east along Buckeye Road is Raceway Rancheros single-family subdivision and Shadow Ridge subdivision south of that. To the south is Hermosa Ranch Technology Campus South PAD; Sierra Estrella Energy Storage, a battery storage energy site and SRP Substation, and to the west is Cantada Ranch single-family subdivision PAD.

Part of the request is to increase the existing local commercial land use from 16.45 acres to 28 acres. The requested Business Park designation would allow for a large campus development, which in turn provides an abundance of employment opportunities and amenities. Amenities include attractive streetscapes, pedestrian connections, efficient circulation and spaces for activities to promote healthy lifestyles for employees. This category accommodates light manufacturing, corporate commerce offices, data centers, research and development industries, and solar and renewable energy facilities and manufacturers among others as well as warehouse and limited support services for the primary businesses. The local commercial land use category is used for providing for the daily needs, goods, and services for surrounding residents, such as grocery stores.

The employment uses are tailored to achieve the goal of developing the site as a technology campus while achieving the City's goal of a high-quality employment center that limits potential impacts on surrounding communities. The underlying zoning districts associated with this development are commerce park (CP) and community commercial (C2) and will facilitate the development of a technology campus and commercial development.

The following are requested deviations for the technology campus development:

- Increasing building height from 35 feet to 50 feet
- Increasing the screened equipment allowance on top of the buildings from 15 feet to 25 feet
- Increasing the setbacks along the north property lines from 25 feet to 100 feet
- Increasing the setbacks along the western property line from 50 feet to 230 feet
- Additional deviations are noted in the staff report

Requested deviations to the commercial portion, particularly the C2 development standards, would foster compatibility with the technology campus that will surround the property and allow for the development of an accessory gas station site to a potential grocery anchor and increase visibility from the proposed commercial PADS

from then adjacent rights-of-way.

Of the applicant's proposed improvements to the site, highlighted features included:

- The applicant is proposing a 35-foot landscape buffer on both sides of an existing 180-foot powerline corridor
- On the north and east sides, the applicant is proposing landscaping along with a 10-foot multi-use trail, incorporating it into a 50-foot landscape setback surrounding the site on the north and east sides

In response to comments received, the applicant provided view shed analysis that depicts line of sight comparisons between the single-family subdivision and the proposed technology center.

Staff analysis for the Major General Plan Amendment finds:

- Amendment will facilitate employment uses at an appropriate location and where no alternatives are available
- The current residential land use designation does not advance employment and land use goals of the 2030 General Plan
- The site is ideally located adjacent to supportive power and transportation infrastructure
- The current General Plan does not have other Business Park sites with these advantages and of suitable size
- Improves the General Plan with supportive land uses designed to attract business opportunities and employment investment
- Business Park land uses reinforce Avondale's economic stability and sustainability
- The location of the commercial portion will attract commercial development such as a grocery store and shopping center to serve southern Avondale.
- The Major General Plan Amendment will not result in larger or extensive public infrastructure improvements
- Will generate less demand for public safety services with the use of private security on site
- Will result in an estimated 15% less water and 51% less wastewater demand than residential use

Staff analysis of the rezone finds it to be in conformance with the proposed General Plan Land Use Designation of Business Park and Local Commercial. The proposed PAD conforms with requirements in the zoning ordinance, subdivision regulations, commercial and industrial design manuals, and any other applicable regulations and requirements unless modified by the proposed deviations. Adequate public infrastructure to support the proposed development exists or will be constructed by the developer. Staff's stipulation for the rezone indicates the developer will not be permitted to use more water or sewer capacity than planned for. Overall, this amendment is consistent with the intent of the General Plan 2030

A Neighborhood Meeting was held on January 30, 2024, at City Hall. There were seven attendees aside from the applicant's team, City Staff, and one member of the City Council. Topics that were discussed included security around the power line corridor, scale of the data center, blocking views, right-of-way, potential grocery store, roadway expansion, powerline corridor, and project timeline.

As part of the 60-day review process, notices were sent and two agencies, Southwest Gas Corporation and State Historic Preservation Office, both indicated they had no conflicts with the project. On Avondale Connect, 50 comments were received. Most generally were in opposition to the project with concerns about increased water usage, traffic impacts, property values, the site was better used for commercial development, and the project would be better suited at a different location.

On April 17, 2024, Planning Commission meeting members voted 4-1 to recommend approval of both items. Questions raised by commissioners related to potential economic impact and benefit of these types of buildings as well as the compatibility with surrounding areas, tax or economic significance, and overall significance to the community. There were also questions related to the landscape buffers and water and wastewater usage.

Staff recommends approval of Application PL -23-0299, a request for a Major General Plan Amendment changing land use designation of subject property from medium density residential and estate/low density residential to business park and expanding the existing local commercial General Plan Land Use

Staff recommends approval of application PL-23-0300 a request to rezone approximately 239 gross acres from Diamond P Ranch Planned Area Development (PAD), Fleming Farms PAD, and Agricultural (AG) to Hermosa Ranch Technology Campus – North PAD

Mayor Weise opened the public hearing and received a total of 13 cards. There were 11 people in favor of the amendment but who did not wish to speak. Two cards were received from people who did wish to speak in favor of the item.

Hector Hernandez, a lifetime resident of Avondale, spoke in favor of the project as it will be an opportunity for the carpenters to work in their hometown rather than traveling. He also commented on the improvements that previous development projects have brought to Avondale.

Martin Matsumoto spoke in favor of the project as it will provide him and other carpenters with an opportunity to work in their hometown.

Mayor Weise confirmed there were no other speakers and also confirmed there were no online comments to be read.

Mayor Weise closed the public hearing and opened the floor for comments from Council.

Mayor Weise spoke about moving Avondale from entry level jobs to and the Technology Center is a way to start that process. The location of the facility is ideal with the medical corridor along McDowell Road. The construction project will support the community by allowing Avondale residents to work where they live. Another exciting benefit is the 28-acre commercial site with the proposal of a much-needed grocery store.

In response to Council Member White's questions, Mr. Orton advised there will be approximately 150 jobs at the data center. Ms. Oberholtzer explained the developer, who has not been named yet, will choose the construction team but agrees the carpenters in Avondale are some of the best in the business.

Council Members expressed their gratitude for the presentation and for the carpenters coming out to speak this evening in support of the project. They hope this project will allow them to live, work, and play in Avondale.

Vice-Mayor Pineda spoke about the economic impact the project will generate for Avondale and the benefit residents will receive from the commercial project.

Mayor Weise discussed the economic impact from changes in legislation, such as the removal of the rental tax. A project such as this will benefit the community along with the construction sales tax, electricity and property taxes which benefit the schools and allow the City to move forward with Station 176 in Alamar and to increase the police force by 8-10%. Looking ahead, the Council should discuss research and development jobs, especially when SR30 opens.

Council Member Solorio moved to adopt Resolution 1043-0524, approving Application PL-23-0299, a request to amend the General Plan 2030 Land Use Map designation from Medium Density Residential and Estate/Low Density Residential to Business Park and to expand the existing Local Commercial designation and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member White seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

b. PUBLIC HEARING AND ORDINANCE 2010-0524 - HERMOSA RANCH TECHNOLOGY CAMPUS - NORTH - REZONING - APPLICATION PL-23-0300

City Council held a public hearing and considered a request to adopt Ordinance 2010-0524, approving a request by Carolyn Oberholtzer with Bergin, Frakes, Smalley and Oberholtzer PLLC to rezone approximately 239 gross acres located at the southwest corner of Avondale Boulevard and Lower Buckeye Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposal would change the zoning from Diamond P Ranch Planned Area Development (PAD), Fleming Farms Planned Area Development (PAD) and Agricultural (AG) to Hermosa Ranch Technology Campus - North Planned Area Development (PAD) to allow for a data center, technology campus, and local commercial development.

Mayor Weise opened the public hearing and received requests to speak as previously noted in the item above.

Michael Torrez, of Local 1912 Union Carpenters, spoke of the numerous projects the members have worked on within Arizona and noted the wages need to be made livable and prevailing to get more carpenters out there.

Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Malone moved to adopt Ordinance 2010-0524, approving application PL-23-0300 Hermosa Ranch Technology Campus - North, a request to rezone approximately 239 gross acres from Diamond P Ranch Planned Area Development (PAD), Fleming Farms Planned Area Development (PAD), and Agricultural (AG) to Hermosa Ranch Technology Campus - North Planned Area Development (PAD) to allow for a data center, technology campus, and local commercial development, subject to the following ten (10) conditions of approval and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

c. PUBLIC HEARING – RESULTS OF BIENNIAL AUDIT OF DEVELOPMENT IMPACT FEES

City Council held a public hearing on the development impact fee biennial certified

audit, as required by A.R.S. 9-463.05. This item was for a public hearing and discussion only.

Rob Baer, Budget Manager of Finance and Budget, presented an overview of the Biennial Audit of Development Impact Fees for FY-21 and -22. Heinfeld Meech conducts the City's Biennial Audit, which does not have a timeline for completion. However, as part of the budget, the Biennial Impact for the next cycle will be moved up, being FY-23 and -24, to allow more actionable information for any findings.

The only finding for this audit was related to growth projections, such as variances between the land use assumptions and the actual growth in the city. The population was off by 1% and no action is necessary by the City as it is difficult to project the future. Land use assumptions were updated in calendar year 2023 as part of the updated impact fees.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing and opened the floor for comments from Council. No questions or comments were received from Council.

d. RESOLUTION 1044-0524 – ADOPTION OF THE FISCAL YEAR 2025 TENTATIVE BUDGET

City Council adopted Resolution 1044-0524, setting forth the fiscal year (FY) 2025 tentative budget and establishing the city's annual expenditure limitation and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Renee Weatherless, Director of Finance and Budget, provided an update on changes to the budget since the last review prior to adoption of the FY 2025 Tentative Budget. The Council was reminded the Tentative Budget sets the maximum expenditure limit so the final budget cannot increase beyond the total Tentative Budget amount. A narrative summary inclusive of charts for revenues and expenditures and where funds are allocated to has been included in the agenda packet.

Changes made since the last review include:

- The addition of \$5 million appropriation for the Family Advocacy Center
- The 2 FTE were already included in the recommended budget but are being noted for statistical purposes
- Changes in the carryover amount are related to how much spending will be accomplished prior to June 30th and would then need to be carried over

Public notice requirements will be fulfilled for the truth in taxation, and then the next step is the adoption of the final budget and tax levy.

Vice Mayor Pineda moved to adopt Resolution 1044-0524, setting forth the fiscal year (FY) 2025 Tentative Budget and establishing the City's annual expenditure limitation and authorizing the Mayor or City Manager, City Attorney and City Clerk to execute

the necessary documents; Council Member Neilson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

e. AVONDALE'S PUBLIC TRANSIT PROGRAM UPDATE

City Council received an update from the Public Works Department on the current status and recent developments within Avondale's Public Transit Program, including upcoming projects and initiatives. This item was for discussion only.

Matt Dudley, Transit Manager of Public Works, provided an overview of the public transit program.

The Boulevard Transit Center was completed today utilizing federal funds, regional Proposition 400 funds and some matching local funds. The center is connected directly to the Boulevard parking garage and utilizes solar lighting. The transit center will be working with the Art Commission to add art.

The Bus Shelters are approximately 25 years old and in need of modernization. With the use of Proposition 400 funds, 13 bus shelter locations throughout the City will be modernized with advertising kiosks.

WeRIDE is Avondale's regional and international award-winning program that was originally a pilot program in the north zone. It has now expanded to 22 miles, 11 vehicles, 560 virtual stops, and it had approximately 7,300 passengers on the WeRIDE system in the past month.

Residents have embraced WeRIDE. A survey was sent out to existing customers only with a 15% response rate. The main reasons for using WeRIDE include limited access to personal vehicles and transportation cost savings. The most common reasons for using WeRIDE were shopping, work and medical appointments.

Next steps will be to:

- Expand the hours to 6:00 a.m. to 8:00 p.m. to match the sister WeRIDE sister program in Goodyear
- Pilot Saturday service in November
- Offer a summer program with ½ off on Mondays and Fridays due to decreased ridership when school is out
- Provide free trips to school lunch sites

A promotional video for WeRIDE was shared. Mayor Weise commented on the number of residents that benefit from WeRIDE's services. He suggested in the future to explore Sunday morning hours to accommodate those who want to attend church.

In response to questions, Mr. Dudley noted the future expansion will require 3 additional vehicles and 4-5 more employees. He explained their routes are flexible and can adapt quickly to residents' needs. Avondale is part of the three-city WeRIDE coalition along with Goodyear and Surprise, which during the month of March reached 100,000 riders with Avondale having 50,000 of them.

Mayor Weise thanked Mr. Dudley and his team for the phenomenal job with WeRIDE, which is an envy of the West Valley.

6. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

Mayor Weise noted Cherlene Penilla, who has been with the City of Avondale for 30-plus years, is retiring. Bryan Hughes is also retiring from the City of Avondale in 4 weeks.

7. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Regular Meeting into Executive Session pursuant to (i) Ariz. Rev. Stat. § 38-431.03(A)(1) for discussion of the employment evaluation and salary of the City Manager and (ii) Ariz. Rev. Stat. § 38-431.03(A)(3) for discussion with the City Attorney or attorneys for the City for legal advice concerning the legal requirements of the Arizona State Retirement System; Council Member Malone seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

The meeting was adjourned at 7:29 p.m.


kenn weise (Jun 4, 2024 18:38 PDT)

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 6th day of May 2024. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Sarmiento, City Clerk

June 3, 2024

Date Approved by City Council